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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

SEP 17 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Applications of )

RAYMOND W. CLANTON )

LOREN F. SELZNICK )

MM DOCKET NO. 93-87

File No. BPH-911216MC

File No. BPH-911216MD

For Construction Permit for a  
New FM Station on channel 279A  
in El Rio, California )

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SEP 17 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: Honorable John M. Frysiak  
Administrative Law Judge

PETITION FOR LEAVE TO SUBSTITUTE CORRECTED AFFIDAVIT

Loren Selznick respectfully petitions for leave to file the attached "Corrected Affidavit", which should be substituted for her "Affidavit" that was Appendix C to the "Opposition of Selznick to Petition to Enlarge," filed yesterday. Because of Ms. Selznick's absence from her office yesterday in observance of a religious holiday, an erroneously incomplete Affidavit was inadvertently faxed to Washington for submission with her Opposition. The attached "Corrected Affidavit" should be substituted as Appendix C to the Opposition.

Respectfully submitted,



Robert Lewis Thompson  
PEPPER & CORAZZINI  
1776 K Street, N.W., Suite 200  
Washington, D.C. 20006  
(202) 296-0600

September 17, 1993

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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**

Washington, D.C.

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| In re Applications of          | ) | MM DOCKET NO. 93-87   |
|                                | ) |                       |
| RAYMOND W. CLANTON             | ) | File No. BPH-911216MC |
|                                | ) |                       |
| LOREN F. SELZNICK              | ) | File No. BPH-911216MD |
|                                | ) |                       |
|                                | ) |                       |
| For Construction Permit for a  | ) |                       |
| New FM Station on channel 279A | ) |                       |
| in El Rio, California          | ) |                       |

To: Honorable John M. Frysiak  
Administrative Law Judge

CORRECTED AFFIDAVIT

LOREN F. SELZNICK, being duly sworn, deposes and says:

1. I am an applicant for a construction permit for a new FM station on channel 279A in El Rio, California. I make this affidavit in opposition to the Petition to Enlarge Issues filed by Raymond W. Clanton.

2. At the time I filed my application in December 1991, I had in my possession the financial statement of Joseph P. Dailey, Esq. on a computer system that we shared then and to this day at Breed, Abbott & Morgan. Mr. Dailey gave me free access to his financial statement. Mr. Dailey and I have worked closely together as attorneys on a group of related cases, on numerous occasions around the clock, since 1987. As a result of our close working relationship, Mr. Dailey and I established a friendship.

3. My intention in filing my Petition for Leave to Amend on August 30, 1993 was to acquaint the Honorable John M. Frysiak with what I had learned about the El Rio, California market and the reasons for the alteration of my plans. From what I

have learned, in the current radio market, it is far wiser to put the station on the air as economically as possible and then have the physical plant grow with the station than to approach construction with the attitude that everything that could be desired in a radio station should be purchased at the outset with the hope that the station will grow into the equipment. The cost of the no-frills manner would enable me to cover most, if not all, of the expenses on my own. Recognizing that the cost was very close to my net liquid assets, I did obtain another commitment from Joseph P. Dailey to lend up to \$40,000 for construction or operation of the station.

4. Prior to my filing my Petition for Leave to Amend, I obtained appraisals of each of my cooperative apartments located in New York, since I intend to sell both apartments and move to California if my application is granted. When I closely reviewed the appraisal of 67 East 11th Street, Apartment 401 (the "11th Street apartment"), I noticed that the appraiser had significantly understated the square footage of my apartment. The appraiser was on vacation, however, and unavailable to make any corrections until after the amendment was to be filed. The appraiser has since made an adjustment to the appraisal to increase the value from \$114,000 to \$118,000. A true copy of the revised pages of the appraisal report are annexed to this affidavit as Exhibit A.

5. In addition, there are some items that need to be clarified with respect to the sales of my apartments. First, I am not committed in any way to sell my apartment through a real estate broker. Although some people in New York choose to sell their apartments using brokers, many others choose to gain more

on the sale by spending Saturdays and Sundays advertising and showing their own apartments. Therefore, I did not include a brokerage commission in the liquidity analysis included with my Petition for Leave to Amend. I did not purchase 99 Bank Street, Apartment 3L (the "Bank Street apartment") through a real estate broker. I have rented the Bank Street apartment to tenants both with and without brokers.

6. Furthermore, I am an attorney duly licensed to practice in New York. I represented myself at the closing when I purchased the Bank Street apartment. When I closed on the 11th Street apartment, my cousin and his partner kindly represented me at no charge. I, therefore, see no need to budget for an attorney to represent me at the closing.

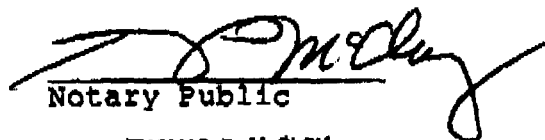
7. There is also no need to budget for any tax on capital gains upon the sales of my apartments. The price of my Bank Street apartment plus improvements was approximately \$97,500, minus depreciation of \$7,518, leaving a current basis of \$87,482. The apartment was appraised at \$86,000. The price of the 11th Street apartment plus improvements was approximately \$126,300. That apartment was appraised at \$118,000. Accordingly, there will be no gains upon the sales of my apartments.

8. Finally, it was not my understanding that I needed to budget for my moving expenses and living expenses in my amendment. It is my intention to continue to work as an attorney until shortly prior to completion of construction and move and live for three months on the savings I accumulate during the construction period. I intend a long-term commitment to operate the El Rio station. This is a lifestyle change to which I have given a great deal of thought and I am willing to invest my life

savings to make it happen.

  
Loren F. Selnick

Sworn to before me on this  
15th day of September, 1993.

  
Notary Public

THOMAS P. McCLOY  
Notary Public, State of New York  
No. 24-4837704  
Qualified in Kings County  
Certificate filed in New York County  
Commission Expires April 28, 1994

CERTIFICATE OF SERVICE

I, Karen D. Anderson, do certify that a copy of the foregoing "Petition for Leave to Substitute Corrected Affidavit" was served by prepaid, First Class U.S. Mail on this 17th day of September 1993, on the following:

\* Honorable John M. Frysiak  
Room 223  
Federal Communications Commission  
2000 L Street, NW  
Washington, DC 20036

\* Paulette Laden, Esq.  
Hearing Branch -- Room 7212  
Federal Communications Commission  
2025 M Street, NW  
Washington, DC 20054

Jerrold D. Miller, Esq.  
Miller & Miller, P.C.  
1990 M Street, NW  
Suite 760  
Washington, DC 20036

  
\_\_\_\_\_  
Karen D. Anderson

\* By Hand